

AMENDED IN SENATE JUNE 2, 1999

AMENDED IN SENATE APRIL 5, 1999

SENATE BILL

No. 679

Introduced by Senator Johnston

February 24, 1999

An act to amend Section 42247 of the Education Code, relating to elementary and secondary education, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 679, as amended, Johnston. Elementary and secondary education: desegregation costs.

Existing law authorizes the reimbursement of a school district for the amount necessary to pay any costs mandated by the courts. Existing law authorizes the governing board of any school district that maintains a program designed to remedy the harmful effects of racial segregation that originated under a court mandate to submit a claim for reimbursement to the Controller for costs of the program.

This bill would require the Controller to propose to the Legislature on or before ~~November 1, 1999~~ *March 1, 2000*, a method for appropriately reimbursing school districts for the cost of magnet school programs ordered by a court pursuant to a desegregation program that originated under a court mandate and were previously reimbursed through a federal grant.

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~2~~₃ majority. Appropriation: no. Fiscal committee:
yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42247 of the Education Code is
2 amended to read:

3 42247. (a) Notwithstanding any other provision of
4 law, reimbursements authorized by Sections 42243.9 and
5 42249 for desegregation costs incurred in the 1985–86
6 fiscal year, and each fiscal year thereafter, shall not
7 exceed the following amounts:

8 (1) For desegregation programs operating pursuant to
9 a final court order issued prior to the effective date of this
10 section, or January 1, 1986, as appropriate, the amount
11 calculated pursuant to Section 42247.3.

12 (2) For desegregation programs initiated after the
13 1984–85 fiscal year, the amount in excess of one-fifth of the
14 audited costs approved by the Controller for the first full
15 year of operation, adjusted pursuant to Section 42247.2,
16 provided that the school district has contributed in the
17 prior fiscal year not less than one-fifth of the audited costs
18 approved by the Controller for that fiscal year. For
19 purposes of this paragraph, desegregation programs
20 initiated after the 1984–85 fiscal year shall not include
21 expansion of desegregation activities by school districts
22 that were reimbursed pursuant to Section 42249 for
23 desegregation costs incurred during the 1984–85 fiscal
24 year, except as otherwise provided by Section 42247.2.

25 (3) For all other desegregation programs, the amount
26 in excess of one-fifth of the audited desegregation costs
27 approved by the Controller and incurred in the 1984–85
28 fiscal year, adjusted pursuant to Section 42247.2, provided
29 that the school district has contributed in the prior fiscal
30 year not less than one-fifth of the audited costs approved
31 by the Controller for that fiscal year.

32 (b) Claims for reimbursement of desegregation
33 program costs shall be subject to audit by the Controller
34 to determine all of the following:

(1) That the costs and programs are for purposes of desegregation or alleviation of the harmful effects of racial segregation, as provided in the plan submitted by the district pursuant to Section 42247.1.

(2) That the costs are costs in excess of the district's expenditure levels for regular educational programs.

(3) That the costs are neither excessive nor unreasonable.

(c) School districts shall subject any claim for the reimbursement of actual desegregation program costs to audit in accordance with the standards and procedures established pursuant to subdivision (b) of Section 42246. Each claim for the payment of actual costs submitted to the Controller shall be accompanied by the audit any related reports issued by the entity performing the audit, unless the school district contracts with the Controller for the performance of the audit. This subdivision is not intended to require that estimated current year claims be subjected to audit prior to submission to the Controller.

(d) Claims for reimbursement of desegregation program costs shall not include costs for school construction, reconstruction, replacement of facilities, purchase of facilities, purchase of land, or modernization of facilities.

(e) Notwithstanding any other provision of law, it is the intent of the Legislature to enact legislation that would make an appropriation to reimburse school districts for the full cost of magnet school programs ordered by a court pursuant to a desegregation program that originated under a court mandate and were previously reimbursed through a federal grant.

SEC. 2. In accordance with the intent of the Legislature expressed in subdivision (e) of Section 42247 of the Education Code, the Controller shall, on or before ~~November 1, 1999~~ *March 1, 2000*, propose to the Legislature a method for appropriately reimbursing school districts for the cost of magnet school programs ordered by a court pursuant to a desegregation program that originated under a court mandate and were previously reimbursed through a federal grant. The

1 proposed method should optimize the continued delivery
2 of the educational program with the least disruption
3 possible.

4 ~~SEC. 3. This act is an urgency statute necessary for the~~
5 ~~immediate preservation of the public peace, health, or~~
6 ~~safety within the meaning of Article IV of the~~
7 ~~Constitution and shall go into immediate effect. The facts~~
8 ~~constituting the necessity are:~~

9 ~~In order to ensure the uninterrupted continuation of~~
10 ~~court-ordered magnet programs, it is necessary that this~~
11 ~~act take effect immediately.~~

